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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 PENELOPE HOUSTON, an individual, GREG
21 INGRAHAM, an individual, JAMES WILSEY, an
individual, and DANIEL O'BRIEN, an individual,
22

23 Plaintiffs,

24 v.

25 DAVID FERGUSON, an individual dba
CD PRESENTS, BURIED TREASURE
26 MUSIC and ANARCHY ANTHEMS; ANTHEM
MUSIC AND MEDIA FUND, LLC, a Delaware
27 Limited Liability Company dba FIGS D. MUSIC,
THE BICYCLE MUSIC COMPANY, an entity of
28 unknown origin; NBC UNIVERSAL, INC., a

CASE NO. C10-01881 JSW

STIPULATION AND ~~PROPOSED~~ ORDER
RE: FURTHER EXTENSION OF TIME TO
FILE RESPONSE TO SECOND AMENDED
COMPLAINT AND CONTINUANCE OF
CASE MANAGEMENT CONFERENCE AND
CASE MANAGEMENT CONFERENCE
STATEMENT DEADLINE

Currently Scheduled Conference:

Date: June 17, 2011

Time: 1:30 p.m.

Courtroom: 11 – Nineteenth Floor
Hon. Jeffrey S. White, Presiding

1 Delaware Corporation; and Film 44, INC., a
2 California Corporation,

(E-Filing)

3 Defendants.

4 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil Local
5 Rules of the United States District Court, Northern District of California, Plaintiffs PENELOPE
6 HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an individual, and
7 DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and Defendant DAVID
8 FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and stipulate as follows:

9 This Stipulation, and the Proposed Order thereon, is being submitted for the purpose of: (a)
10 extending the deadline to file a responsive pleading to Plaintiffs' Second Amended Complaint (the "SAC");
11 (b) continuing the Case Management Conference ("CMC") in this case, which is currently scheduled for
12 June 17, 2011, for at least thirty (30) days, to a date convenient to the Court; and (c) continuing the CMC
13 Statement deadline that is tied to the date of the CMC. As set forth in the Recitals below, the parties
14 believe that good cause exists for the Order requested in light of the status of the parties' settlement
15 negotiations.

16 RECITALS

17 WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

18 WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court ordered on May
19 23, 2011, that Defendant Ferguson's response to the Second Amended Complaint is due by June 13, 2011;
20 and

21 WHEREAS, this is the eighth request for extension of the date by which Defendant shall file a
22 responsive pleading; and

23 WHEREAS, Plaintiffs and Defendant Ferguson previously stipulated, and this Court ordered on
24 April 14, 2011, that the CMC is to be held on June 17, 2011, and that the CMC Statement is due on June
25 10, 2011; and

26 WHEREAS, the parties have agreed to the substantive terms of settlement of their dispute and are
27 actively negotiating the memorialization thereof; and

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1 WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court, Northern
2 District of California, permits the parties to extend the time within which to answer or otherwise respond to
3 a complaint by stipulation in writing and without a Court order, provided the change will not alter the date
4 of any event or any deadline already fixed by Court order; and

5 WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file a responsive
6 pleading to the Second Amended Complaint will not alter the date of any event or any deadline
7 already fixed by Court order; and

8 WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a responsive
9 pleading should be extended to July 5, 2011, to allow the parties time to discuss settlement and complete the
10 settlement agreement;

11 WHEREAS, Plaintiffs and Defendant agree and stipulate that a further extension of time for
12 Defendant to file a responsive pleading to the SAC, to July 5, 2011, and a continuance of the CMC and of
13 the CMC Statement deadline, for a period of at least thirty (30) days, is appropriate and would allow the
14 parties further time to finalize settlement, and hereby jointly request that the Court order such enlargement
15 of time; and

16 WHEREAS, the parties believe that requested time modifications would have no substantial effect
17 on the schedule for this case and would encourage completion of the settlement;

18 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective undersigned counsel,
19 hereby stipulate as follows:

20 1. The time for Defendant David Ferguson to file a responsive pleading to the Second
21 Amended Complaint shall be extended to and including July 5, 2011.
22 2. Subject to Court approval and the Court's calendar, the CMC shall be continued for a period
23 of at least thirty (30) days from June 17, 2011.

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3. Subject to Court approval, the CMC Statement deadline shall be continued for a period of at least thirty (30) days from June 10, 2011.

SO STIPULATED.

Dated: June 9, 2011

LAW OFFICE OF ALAN KORN

By: /Alan Korn/
Alan Korn
Attorneys for Plaintiffs
PENELOPE HOUSTON, GREG INGRAHAM, JAMES
WILSEY and DANIEL O'BRIEN

IDELL & SEITEL LLP

Dated: June 9, 2011

By: /Richard J. Idell/

Richard J. Idell
Attorneys for Defendant DAVID FERGUSON

ATTESTATION OF CONCURRENCE

I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Alan Korn, the above signatory.

Dated: June 9, 2011

By: /Richard J. Idell/

Richard J. Idell

~~PROPOSED~~ ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED as follows:

1. Defendant David Ferguson shall file a responsive pleading to the Second Amended Complaint on or before July 5, 2011.
2. The Case Management Conference in this matter shall be continued to August 5, _____, 2011 at 1:30 p.m. in Courtroom 11, 19th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

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3. A supplemental joint Case Management Conference Statement shall be filed by the parties on or before July 29, 2011.

IT IS SO ORDERED.

Dated: June 10, 2011

Honorable Jeffrey S. White
Judge of the United States District Court
Northern District of California